



STATE BOARD OF EQUALIZATION

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Executive Secretary

No. 80/131

August 27, 1980

TO COUNTY ASSESSORS:

SUMMARY OF PROPOSED LEGISLATION NUMBER 22

Following are brief summaries of selected proposed property tax bills and amendments introduced by the Legislature which relate to assessment practices or Revenue and Taxation Law.

AB 2136

Author: Assemblyman Dennis Brown, et al.

Action: Amended in Senate

Date: August 25, 1980

Affected Reference: Amends Sections 862 and 17204 of the Revenue and Taxation Code

Under existing law, certain property is assessed for property tax purposes by the State Board of Equalization, and such state assessees are required to file annual statements of their property holdings. To the extent that property escapes assessment because of inaccuracies in such statements, the board is required to apply a 10 percent penalty to the assessment, regardless of the reason for the inaccuracy. This bill would permit the board, upon application by the assessee, to waive the penalty if good cause for that inaccuracy can be shown.

AB 2324

Author: Assemblyman Hayes, et al.

Action: Amended in Senate

Date: August 21, 1980

Affected Reference: Adds Section 6010.8 to the Revenue and Taxation Code

This bill provides that "sale" and "purchase" do not include any transfer of title of tangible personal property constituting any project to the California Alternative Energy Source Financing Authority by any participating party, nor any lease or transfer of title of tangible personal property constituting any project by the authority to any participating party, when the transfer or lease is made pursuant to Division 16 of the Public Resources Code.

AB 2370

Author: Assemblyman Filante, et al.

Action: Amended in Senate

Date: August 19, 1980

Affected Reference: Adds Section 402.3 to the Revenue and Taxation Code

With regard to hazardous waste disposal sites, this bill proposes that an assessor shall consider any restrictive covenant adopted pursuant to Section 25202.5 or any restriction imposed pursuant to Section 25229 of the Health and Safety Code as an enforceable restriction subject to the provisions of Section 402.1 of this code and shall appropriately reassess any property, the use of which has been so restricted, at the lien date following the adoption or imposition of the covenant or restriction.

AB 2481

Author: Assemblyman Hannigan

Action: Amended in Senate

Date: August 22, 1980

Affected Reference: Amends Sections 51220, 51231, and 51238 and adds Section 51282.3 to the Government Code

This bill would include within the definition of agricultural uses of land the construction of housing for agricultural laborers.

AB 3155

Author: Assemblyman Deddeh

Action: Amended in Senate

Date: August 19, 1980

Affected Reference: Various sections of various codes

Under existing law, assessment ratios for purposes of property taxation were recently changed from 25 percent to 100 percent of full value. This bill would conform additional sections of law to this change.

SB 1260

Author: Senator Sieroty

Action: Amended in Assembly

Date: August 18, 1980

Affected Reference: Various sections of the Revenue and Taxation Code - Urgency Statute

Amends Section 61 of the Revenue and Taxation Code relating to transactions that are included as a change in ownership.

Amends Section 62 of the Revenue and Taxation Code as added by Chapter 242 of the Statutes of 1979 relating to transactions that are excluded as a change in ownership.

SB 1260 (Continued)

Repeals and adds Section 62 of the Revenue and Taxation Code relating to a change in ownership involving a joint tenancy.

Adds Section 65.1 to the Revenue and Taxation Code relating to the reappraisal of property when undivided interests in real property are purchased or changes ownership or when a unit or lot within a cooperative housing corporation, community apartment project, condominium, planned unit development, shopping center, industrial park, or other residential, commercial, or industrial land subdivision complex with common areas or facilities are purchased or changes ownership.

Amends Section 155.2 of the Revenue and Taxation Code relating to extension of time for completing the assessment roll by the assessor.

Amends Section 170 of the Revenue and Taxation Code relating to the application for and the reassessment of property damaged or destroyed in a misfortune or calamity.

Amends Section 276 of the Revenue and Taxation Code relating to the disabled veterans exemption.

Amends Section 402.5 of the Revenue and Taxation Code relating to comparable sales and defines "near in time to the date of valuation" as not including any sale more than 90 days after the lien date.

Amends Section 405.5 of the Revenue and Taxation Code to require the assessor to periodically appraise all property not subject to the provisions of Article XIII A of the Constitution.

Repeals Section 405.6 of the Revenue and Taxation Code.

Amends Section 480 of the Revenue and Taxation Code relating to transfers of mobilehomes subject to property taxation and the filing of a change in ownership statement.

Adds Section 480.2 of the Revenue and Taxation Code relating to a change in ownership occasioned by death.

Amends Section 482 of the Revenue and Taxation Code relating to requests for a change in ownership statement.

Adds Section 482.1 relating to the penalty for failure to file a change in ownership statement.

Amends Section 531.2 of the Revenue and Taxation Code relating to real property escaping assessment resulting from unrecorded changes in ownership.

Adds Section 619.15 to the Revenue and Taxation Code which would authorize the county assessor in counties of over 4,000,000 population, upon concurrence of the tax collector, to notify an assessee of the

SB 1260 (Continued)

possibility of a reduction in the assessment due to the enactment of Chapters 242, 1161, or 1138 of the Statutes of 1979 and would authorize the assessee to defer payment of taxes based on such assessment for a specified period. Such provision would be repealed on June 30, 1982, unless a later enacted statute deletes or extends such date.

Repeals and adds Section 1641 of the Revenue and Taxation Code relating to recommendations of an assessment hearing officer.

Amends Section 4836 of the Revenue and Taxation Code relating to notifying assesseees when correction involves an increase in taxes.

Adds Section 4845 to the Revenue and Taxation Code relating to corrections to 1980-81 roll and the refunding of taxes in counties of over 4,000,000 population.

SB 1306

Author: Senator Alquist

Action: Enrolled

Affected Reference: Adds Section 73 to the Revenue and Taxation Code

This bill would provide that for purposes of Article XIII A of the Constitution, "newly constructed" shall not include the construction or addition of any solar energy system which is used for domestic purposes. In the case of solar swimming pool heaters, "new construction" shall not include the increment of cost in excess of the cost of a comparable conventional fossil fuel heating system.

This bill would not become effective until Senate Constitutional Amendment No. 28 of the 1979-80 Regular Session is adopted by the voters and shall apply only to lien dates for fiscal years commencing 1981 through 1985, inclusive.

SB 1632

Author: Senator Richardson

Action: Amended in Assembly

Date: August 19, 1980

Affected Reference: Amends Sections 206, 214, 214.4, 251, 254, 254.5, 255, and 23774 and adds Sections 256, 256.1, and 23704.7 to the Revenue and Taxation Code

Existing law requires, as a condition of tax exempt status for church property used for school purposes, that such property be owned and operated by the church. This bill would eliminate the requirement that such property be owned by the church.

Existing law requires churches to submit to the assessor annually an affidavit giving specified information with respect to their tax exempt status.

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SB 1632 (Continued)

This bill would provide that any exempt organization, organized and operated exclusively for religious purposes, shall not be denied the exemption by reason of the communication of its principles, philosophy, or religious faith to its members, members of the community, or public officials.

This bill would further cancel delinquent taxes, for specified taxable years, of churches which failed to file claim for exemptions due to compelling religious convictions.

Sincerely,



Verne Walton, Chief
Assessment Standards Division

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Enclosures

<p>Copies of bills may be ordered from: Legislative Bill Room, State Capitol, Room 1149, Sacramento, 95814</p>
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